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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,333	09/18/2003	Robert Fransdonk	5782P029	5440

7590 03/30/2007  
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Minneapolis, MN 55402

EXAMINER
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WIN, AUNG T

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.		Applicant(s)	
	10/665,333		FRANSDONK, ROBERT	
	Examiner		Art Unit	
	Aung T. Win		2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The term "about" in claim 16, 23 & 33 are a relative term which renders the claim indefinite. The term "about" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 – 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lagerweij et al. (US20030217163A1) in view of Seago et al. (US20040054923A1).

1.1 Regarding Claims 1 & 35, Lagerweij discloses media delivery network comprising a media server (content server 3: Figures 1-4) to store the content to deliver to a content consumer upon request and an access management application server 6 to

store content consumer rights to specific content [Application 6 stores information relating to which user device has access to what (part of) the content: 0034].

Lagerweij also discloses that content delivery is based on content owner rights and user access rights [0040] i.e., based on owner defined access policies such as pay-per-time and consumer content access right such as access duration [0040]. It is obvious to one of ordinary skill in the art that in order to provide pay-per-time content delivery method as taught by Lagerweij, delivery of the content to the content consumer must be timed and the access rights of the content consumer (i.e., authorized access duration for streaming data) must be updated as claimed in response to delivered time during which the content was delivered to the content consumer [football match for 60 minutes: 0040].

Lagerweij also discloses that content owner can define access policies for the content delivering to the content consumer [0040]. Lagerweij does not explicitly teach digital rights server to store content consumer rights and content owner rights as claimed. It should be noted that claimed digital rights server is well known to skill in the art at the time of invention of made.

Seago discloses wireless content delivery network 100 [Figure 1] comprising data storage server (claimed media server and digital rights server) to store content consumer rights defining access rights of a content consumer with respect to content [Client rights profiles 158: Figure 1] and content owner rights defining access policies to the content as established by content provider [Access/Rights Rules Sets 160: Figure 1]. Seago also teaches that access rights of the content consumer are updated when

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requested content is delivered to the content consumer as necessary [content action is performed at 276 followed by an updating as necessary of the client rights profiles: 0042].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to modify access Lagerweij's pay-per-time content delivery network with digital right server as taught by Seago to maintain and update the content consumer access rights and owner rights as claimed. One of ordinary skill in the art at the time of invention of made to do this to provide improved content delivery network without the need for extensive signaling within network devices.

1.2 Claim 17 is the method claim rejected for the same reason as stated above in Claim 1 rejection because claimed steps substantially close to corresponding steps executed by means cited in Claim 1.

1.3 Claim 28 is also rejected for the same reason as stated above in Claims 1 & 17 rejection. It is obvious to one of ordinary skill in the art the modified method and network teaches monitoring method as claimed because the network provide pay-per-time media delivery method based on each media session i.e., in case of delivering live or streaming media content to content consumer [Lagerweij teaches providing media per session: (football match: 0040) (live racing event: 0049)].

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1.4 Claim 36 is also rejected for the same reason as stated above in Claim 1 rejection. Modified network is computer based operation method and it is obvious to one of ordinary skill in the art that modified content provisioning system must be integrated with claimed medium storing executable instructions for performing claimed steps.

1.5 Claims 2 & 18 are rejected for the same reason as stated above in Claims 1 & 17 rejection because modified network teaches controlling the content deliver based on control event initiated by the content consumer as claimed [Lagerweij: (user is allowed to stop, pause and restart a stream: 0042)].

1.6 Claims 3, 20 & 31 are rejected for the same reason as stated above in Claims 1, 17 & 28 rejection. Modified network teaches a plurality of content providers [Seago: Content providers 190: Figure 1].

1.7 Claims 4, 7, 8, 19, 22, 29, 30 & 33 are rejected for the same reason as stated above in Claims 1, 17 & 28 rejection because modified network teaches denying the content delivery after authorized time duration is reached [Lagerweij: (football match for 60 minutes: 0040)]. As stated above, because modified network teaches pay-per-time access service for streaming media sessions (such as streaming service for football match), it is obvious to one of ordinary skill in the art that modified network teaches as claimed in Claim 7 and Claim 8.

1.8 Claims 5, 21 & 32 are rejected for the same reason as stated above in Claims 1, 17 & 28 rejections. It is obvious to one of ordinary skill in the art the modified network teaches communication between media server and digital rights server as claimed because modified network teaches provisioning user authorized time for accessing streaming data for different sessions [Lagerweij: (football match for 60 minutes: 0040)].

1.9 Claim 6 is rejected for the same reason as stated above in Claim 1 rejection because modified network teaches claimed [Lagerweij: (a certain position i.e., when the race ends: 0049)].

1.10 Claims 9, 10, 24 & 25 are rejected for the same reason as stated above in Claims 1 & 17 rejection. It is obvious to one of ordinary skill in the art the modified network teaches communication between media server and digital rights server as claimed because modified network teaches provisioning user authorized time for accessing streaming data for different sessions [Lagerweij: (football match for 60 minutes: 0040)] based on modified digital right server and content media server.

1.11 Claims 11, 12, 13 & 26 are rejected for the same reason as stated above in Claims 1 & 17 rejection. It is obvious that modified network teaches claimed digital right agent because content delivery is based on owner rights defined by content owner (second access operation) and content consumer rights purchased from service

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provider by content consumer [Seago: (Rights manager 170, Rights Granted Mechanism and Usage & Rights Reporting Mechanism 168)].

1.12 Claim 14 is rejected for the same reason as stated above in Claim 1 rejection. It is obvious that modified network teaches updating rights as claimed because modified network allow the content consumer to update their rights [Seago: 0025].

1.13 Claim 15 is rejected for the same reason as stated above in Claim 1 rejection. It is obvious that modified network teaches the limitation as claimed because operator of the modified network is the content distributor which maintain the content consumer rights and deliver the content based on the stored content consumer rights.

1.14 In light of 112 rejection stated above, claims 16, 23 & 34 are rejected for the same reason as stated above in Claims 1, 17 & 28 rejection. It is obvious to one of ordinary skill in the art the modified network teaches communication between media server and digital rights server as claimed because modified network teaches provisioning user authorized time (i.e., determining an amount of delivery time remaining) for accessing streaming data for limited time [Lagerweij: 0040)] based on modified digital right server and content media server. It is obvious that modified network teaches requesting step as claimed in order to hold the content the delivery from the content server in operating pay-per-time content delivery service.



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1.15 Claim 27 is rejected for the same reason as stated above in Claim 17 rejection.

It is obvious that modified network teaches claimed associating step in order for the modified network to provide content delivery service based on content consumer access rights.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung T. Win whose telephone number is (571) 272-7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aung T. Win  
Group Art Unit 2617  
March 22, 2007

  
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